

MT LEGISLATIVE HISTORY

Chapter 241 1959

Bill H 248 S _____

Original bill & hist. C

H. Committee on Highways + Highway Transportation S. Committee on Highways + Transportation

Hearing Date(s) Feb 02 ✓ C

Hearing Date(s) Feb 20 ✓ C

Feb 09 ✓ C

Feb 21 ✓ C

Feb 11 ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

Rep. Schwinden moved that H.B. 179 do pass, seconded by Rep. Eskildsen, and the motion carried.

Rep. Babcock moved that H.B. 223 do not pass, seconded by Rep. Schwinden, and the motion carried.

The Chairman suggested that House Bills 247, 248, 249 and 250 be put in sub-committee and appointed the following: Woodring, Eskildsen and Broeder.

Rep. Reeder moved that H.B. 493 do not pass, seconded by Rep. Nichols and the motion carried.

Rep. Leuthold moved that H.B. 346 do pass, seconded by Rep. Woodring, and the motion carried.

After a brief discussion of H.B. 479, Rep. Babcock moved that it do pass, seconded by Rep. Woodring. In looking over the bill further, they decided the 1958 was not a typing error and Rep. Babcock asked to rescind his motion and Rep. Woodring withdrew his second to the motion. The committee decided this bill would need further study.

The meeting adjourned at 3:30 P.M.


Chairman
JAMES WOOD, JR.

HT

February 9, 1959

A meeting of the Highways and Highway Transportation Committee was held at 3:50 P.M. with a quorum present and Chairman Wood presiding.

H.B. 228 was discussed by different groups. George Johnson, Cutbank, representing truck owners and operators, said that his group favored the highway use tax instead of a straight GVW tax. He felt it was unfair to charge the same tax to those using the highways very little as the trucks that used the highways for great distances.

Rep. Tim Babcock spoke as an opponent to the bill. He said they had defeated this bill or one very similar to it for the last 4 sessions. He said any increase the truckers charged would have to be allowed by the MRC and if their rates increased too much, the railroads got all their business. He pointed out, also, that if the taxes went too high, truckers would just bypass the state of Montana and take a great deal of money away from the highways. The rates under H.B. 228 would increase his taxes and licenses up 60% which he thought was a very unreasonable increase. He thought enforcing a law such as this would be very costly and not very well enforced.

Chairman Wood pointed out that this bill had had a great deal of study. The first bill had set up a special motor vehicle department but this bill gives all the power to the highway commission. Logging trucks were exempt from the weight distance tax, farm trucks were moved to 28,000 lbs. He said that Montana can't support a trucking industry that doesn't pay its own way. He said it wasn't figured as a revenue measure, but as an equality measure--under the present laws the low mileage trucker is hurt.

Rep. Babcock pointed out that the state would lose reciprocity with the surrounding states and Chairman Wood agreed that there was no reciprocity in this bill.

Senator Michels appeared in support of H.B. 228. Rep. Broeder pointed out that Oregon has over 300 patrolmen to enforce their weight-distance law. Sen. Michels agreed they had 399 patrolmen but that they also enforced the fish and game laws of the state also. The highway department had told him they would be ready and willing to enforce this bill if it went into effect, and would not have nearly as much trouble to enforce this bill as they do the GVW bill. To Rep. Nichols question as to what states have the weight-distance law, Sen. Michels answered Idaho, Colorado and Oregon.

Mr. Johnson said they would be opposed to any increase in the GVW also. He represented mostly truckers in the oil fields that operated mostly in the oil fields and not on the highways. The visitors were then excused.

As many on the committee were absent, it was agreed that no action would be taken on the bill today.

Rep. Broeder reported on H.B. 254 and moved to amend it as the committee report indicates, seconded by Rep. Babcock and the motion carried. Rep. Broeder then moved that H.B. 254 do pass as amended, seconded by Rep. Babcock and the motion carried.

Rep. Broeder then moved that H.B. 247 do pass, seconded by Rep. Haines, and the motion carried.

Rep. Broeder moved that H.B. 248 do pass, seconded by Rep. Babcock, and the motion carried.

February 11, 1959

A meeting of the Highways and Highway Transportation Committee was held at 4:30 P.M. with a quorum present and Chairman Wood presiding.

After a brief discussion of H.B. 404, Rep. Nichols moved that it do not pass, seconded by Rep. Babcock, and the motion carried.

Chairman Wood explained H.B. 479 and said it should be amended to give the State Board of Equalization power to audit the books of gas dealers at any time. Rep. Babcock moved the bill be amended to include that power to the Board of Equalization and as amended, do pass, seconded by Rep. Moudree, and the motion carried.

Rep. Broeder moved to amend H.B. 247 as by the committee report, seconded by Rep. Moudree, and the motion carried. Rep. Broeder then moved as amended, the bill do pass, seconded by Rep. Moudree, and the motion carried.

Rep. Broeder moved to amend H.B. 248 by correcting the legal wording and as amended do pass, seconded by Rep. Bentz, and the motion carried.

Rep. Broeder moved to amend H.B. 249 as by the committee report and as amended, do pass, seconded by Rep. Bentz, and the motion carried.

The amendments on H.B. 247, 248 and 249 were necessary due to the fact the attorney had used the wrong legal wording in amending sections of the Codes of 1947.

The meeting was adjourned at 4:45 P.M.



Chairman

JAMES WOOD, JR.

HT

February 20, 1959

A meeting of the Committee on Highways and Transportation was called to order by the Chairman, Senator Bovey, in Room 407 of the Capitol Building at 8:30 a.m. The following members were present: Senators Bovey, Michels, Reardon, Thiessen, Manning, Nees, Mahoney, McGowan, Cumming, Harken, Anderson, Sagunsky and Cole.

The committee had for consideration House Bills No. 247, 248, 249 and 250.

Mr. Maurice Richey, Traffic Engineer for the Montana Highway Commission, appeared before the committee and explained the purpose for each of these bills. He explained that they are somewhat of companion bills since they all deal with traffic on interstate freeway system. No action was taken on these bills.

The committee had for consideration House Bill No. 254.

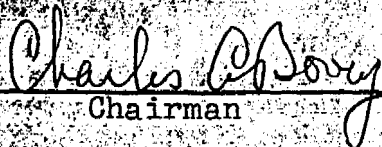
Mr. Robert Holding, attorney for J. Neils Lumber Company, Libby, Montana, appeared before the committee and explained the purpose of House Bill No. 254. He stated that the loggers are required to pay a 9¢ diesel fuel tax and have paid over \$1800.00 under protest. They are being taxed on roads that they build, operate and maintain themselves and that the State of Montana has nothing to do with. Their trucks are bigger than the highway load allows and the present law says nothing about going across, but only over the public highway. Section 5 of the bill allows them to cross under proper control to get from one side of a public highway to another. (Section 5 is new material and should be underlined.)

Mr. Holding also gave the committee some proposed amendments for House Bill No. 446, at the request of the Highway Department.

House Bill No. 113 was discussed.

Mr. Lloyd Helmer, representing the lumber manufacturers, appeared in support of the bill. This bill sets out truck speeds and distribution weights. Mr. Helmer stated that the Highway Department had helped with this bill and there is nothing controversial about it.

Upon motion made, seconded and carried, the meeting adjourned.


Chairman

February 21, 1959

A meeting of the Committee on Highways and Transportation was called to order by the Chairman, Senator Bovey, in Room 407 of the Capitol Building at 8:15 A.M. The following members were present: Senators Bovey, Michels, Thiessen, Nees, McGowan, Harken, Anderson and Sagunsky.

Alex Stephenson met with the committee and explained the Highway Patrol bills discussed.

House Bill No. 299 was discussed and Senator Sagunsky made a motion that House Bill No. 299 Be Concurred In. The motion was seconded by Senator Harken and unanimously carried.

House Bills No. 158 and 209 were discussed. Both of these bills have to do with the abandoning of vehicles on highways and are companion bills. They were referred to Senator Harken for further consideration.

House Bill No. 109 was discussed. No action was taken.

House Bill No. 440 was discussed. Rep. Jim Battin, Yellowstone County, one of the authors, explained the purpose of the bill. No action was taken.

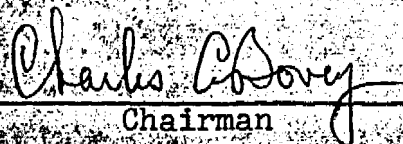
House Bill No. 247 was discussed and Senator Sagunsky made a motion that House Bill No. 247 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Michels and unanimously carried.

House Bill No. 248 was discussed and Senator Harken made a motion that House Bill No. 248 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

House Bill No. 249 was discussed and Senator Harken made a motion that House Bill No. 249 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

House Bill No. 250 was discussed and Senator Harken made a motion that House Bill No. 250 be amended, as shown on the attached committee report, and As So Amended Be Concurred In. The motion was seconded by Senator Sagunsky and unanimously carried.

Upon motion duly made, seconded and carried, the meeting adjourned.


Chairman

by any person in a willful or wanton disregard for the safety of persons or property within the incorporated limits of any city or town.

Enacting ordinances not in conflict with state or federal law.

14. *Enacting as ordinances any and all provisions of this act and any and all other acts regulating traffic, pedestrians, vehicles and operators thereof, not in conflict with state law or federal regulations and to enforce the same within their jurisdiction."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1959.

CHAPTER 241

An Act to Amend Section 32-2133, of the Revised Codes of Montana, 1947, Relating to the Adoption of a Sign Manual by the State Highway Commission; Providing the State Highway Commission Shall Adopt for Use on Controlled Access Highway, an Interstate Sign Manual.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-2133 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State highway commission to adopt sign manual.

"32-2133. **State highway commission to adopt sign manual.** The state highway commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within the state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American association of state highway officials, *provided however, that the commission shall adopt for use on controlled access highways, the interstate sign manual as adopted by the American association of state highway of-*

Proviso—adoption of interstate sign manual for use on controlled access highways.

icials, February 10, 1958, and approved by the United States department of commerce, bureau of public roads, February 21, 1958, and all subsequent amendments relating thereto."

Approved March 11, 1959.

CHAPTER 242

An Act Providing for the Appointment of Custodial Officers to Assist the Warden in the Performance of His Duties in Superintending Prison Discipline and Prison Labor; Providing for the Supervision and Control Over Such Employees by the Warden; Providing for Various Ranks Within Such Class of Employees; Providing for a Period of Probationary Service and Training in the Respective Ranks; Providing for the Suspension, Demotion and Discharge of Such Employees, and for an Appeal from Any Such Action to the Board of State Prison Commissioners; Repealing All Acts or Parts of Acts in Conflict Herewith; and Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Appointment of custodial officers.** In the performance of his duties of superintending prison discipline and prison labor, the warden shall be assisted by a staff of custodial officers, to be composed of probationary correctional officers, correctional officers, lieutenants and captains. They shall be appointed by the warden, in such numbers as he may deem necessary, but subject to the approval of the board of state prison commissioners as to the number appointed.

Appointment of custodial officers by warden.

Section 2. **Qualifications and duties.** All custodial officers must be citizens of the United States and a resident of Montana for one year. Their duties, and the respective duties of the various ranks, shall be as outlined and defined in writing by the warden. They shall be under the general supervision and control of the warden at all times.

Qualifications and duties.

Section 3. **Probationary training.** Every person ap-

Probationary training.